

April 10, 1975

PRESIDENT: Senator Stoney.

SENATOR STONEY: Mr. President, members of the Legislature, the city of Omaha has expressed some concern about this bill and, in particular, one section or one portion of Section 1. I have discussed this matter with Senator Bereuter. He, in return, has responded to the city of Omaha. I have not, as yet, had an opportunity to discuss this with the city officials. I would just like to make it a matter of record that I would like to reserve the right to add a specific amendment should the bill advance to . . . as far as Select File. I've discussed this with Senator Bereuter and he agrees with this. Thank you.

PRESIDENT: Senator Rasmussen.

SENATOR RASMUSSEN: Mr. President, member of the body, Senator Bereuter would you respond to a couple of questions?

SENATOR BEREUTER: Yes.

SENATOR RASMUSSEN: Did I hear you correctly that all counties, but one, has more or less responded that they are willing and anxious to go on with land use planning?

SENATOR BEREUTER: They have expressed interest or are underway, with one exception.

SENATOR RASMUSSEN: If they are progressing, which it sounds to me like they are. You've used a word here this morning that I'm not sure . . . you used encourage several times. It sounds to me like instead of encourage we should be telling them that look we're the legislative body and here is our club. I ask you this, Senator Bereuter. Do you think this body is so right that we can pass legislation possibly forcing lawsuits to local government?

SENATOR BEREUTER: Senator Rasmussen, I think we have a responsibility to ensure local governments are following existing state law and the property owners rights are not being trampled upon. I think that, almost without exception in this state, the local officials want to comply with the procedural requirements of their local land use regulations. Given the sort of assistance, and telling them how they can do it, and permitting them to use interlocal cooperation by requiring the county to provide services at cost where requested, we'll get that compliance without using a big club.

SENATOR RASMUSSEN: Senator Bereuter, isn't that information available today without statute?

SENATOR BEREUTER: No. The problem is that most, very frankly, most attorneys are not accustomed to participating in land use regulatory matters. Therefore, the type of counsel that you would expect them to get from a county attorney or city attorney does not exist in 90 percent of the situations around the state.

SENATOR RASMUSSEN: I think you answered this, but I missed it. Who is eligible to file these lawsuits if they don't comply with the list of things they have to do?